

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 288

March 23, 2011

SUMMARY OF BILL: Classifies any material, compound, mixture, or preparation containing any quantity of ephedrine or pseudoephedrine as a Schedule III controlled substance and classifies possession of that material as a Class A misdemeanor punishable by fine only. Exempts immediate methamphetamine precursors if they are in a form that cannot be used in the manufacture of methamphetamine and are dispensed by a licensed pharmacy upon presentment of a valid prescription issued by a licensed physician, certified physician assistant, or nurse, who is authorized to practice medicine, under the supervision, control, and responsibility of a licensed physician.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- It is currently an offense for a person to knowingly manufacture, deliver, or sell a controlled substance, or to possess a controlled substance with intent to manufacture, deliver, or sell. Generally, if the substance is a Schedule III controlled substance, the offense is a Class D felony subject to a fine not to exceed \$50,000.
- According to the Department of Correction, the proposed bill will not have a significant impact on the number of admissions.
- According to the Board of Pharmacy, the proposed bill will require the Board to ensure that prescriptions for ephedrine or pseudoephedrine are reported to the Controlled Substance Monitoring Database. Any additional duties imposed by this bill on the Department of Health can be accommodated within existing resources.
- A small increase in cases in the court system, which will result in additional state and local government expenditures for processing the cases and additional state and local government revenue from fees, taxes and costs collected. These expenditures and revenue are estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc